

The Examiner also rejects claims 13 and 39-44 for lacking sufficient written support under 35 U.S.C. § 112, First Paragraph.

For claim 13, support for the term "multimeric proteins" appears at page 44, lines 2-16. For claims 39-44, support the term "transcription activator" appears at page 24, lines 8-11; and at page 95, line 22. Withdrawal of this ground of rejection is respectfully requested.

2. Rejections under 35 U.S.C. § 112, Second Paragraph

The Examiner rejects claim 13 under 35 U.S.C. § 112, Second Paragraph for being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants amend claim 13 to delete the term "a class of" [multimeric proteins]. According to the present invention, multimeric proteins belong to a structural family of proteins that are protein complexes formed by two or more subunits. Examples of the multimeric proteins include cytokine receptors such as interleukin-2 (IL-2) receptor which is made of 3 subunits, α , β , and γ subunits. Page 44, lines 7-8. Thus, this term is sufficiently definite to one of ordinary skill in the pertinent art. Withdrawal of the rejection under 35 U.S.C. § 112, Second Paragraph is therefore respectfully requested.

3. Rejections under 35 U.S.C. § 103(a)

The Examiner rejects claims 1-9, 13-19, 22-27 and 35-44 under 35 U.S.C. § 103(a) for being unpatentable over Hoeffler et al. (1999, WO 99/28502), Filupa et al. (1998, WO 98/49198), and Gietz (1995) Methods in Molecular and Cellular Biology 7(3):254-269.

During the interview the Examiner agreed that Hoeffler et al., Filupa et al. and Gietz et al. fail to teach or suggest a library of yeast expression vectors encoding a library of antibodies having a diversity of 1×10^7 or higher. Instead, Hoeffler et al teaches a library of yeast expression vectors encoding a library of antibodies with diversity of 10^6 . The secondary reference, Filupa et al., merely teaches a single chain antibody capable of glycosylation having a specific linker sequence. The third reference, Gietz et al., fails to teach or suggest a library of proteins with a diversity of 1×10^7 or higher. Instead, Gietz et al teaches that "[f]or libraries of 1×10^6 independent clones [i.e., diversity or complexity of the clones] or more, large numbers of transformants are needed to ensure that the entire library has been screened". Page 266, left column, under "DISCUSSION", lines 10-12. To cover such libraries with diversity of 1×10^6 , Gietz et al had to screen as many as 5.2×10^7 transformants from a single scaled-up transformation reaction. Page 266, right column, under "DISCUSSION", lines 10-12. Thus,

C

Gietz et al fails to teach a library of proteins with at least 1×10^7 diversity as specified by independent claim 1.

Thus, the cited references, alone or in combination, fail to teach or suggest the claimed invention under 35 U.S.C. § 103(a). Withdrawal of this ground of rejection is therefore respectfully requested.

CONCLUSION

In light of the remarks and arguments set forth above, Applicants earnestly believe that they are entitled to a letters patent, and respectfully solicit the Examiner to expedite prosecution of this patent application to issuance. Should the Examiner have any questions, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,

Date:

Dec. 21, 2001

By:



Shirley Chen, Ph.D.

Registration No. 44,608

WILSON SONSINI GOODRICH & ROSATI
650 Page Mill Road
Palo Alto, CA 94304-1505
Direct line: (650) 565-3856
Client No. 021971